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No. 221

No. 221, Bangalore, dated the 10th October 1967.

HOME SECRETARIAT.

NOTIFICATION

G.S.R. No. 452. In exercise of the powers conferred by Section 71 of the Mysore Excise Act, 1965 (Mysore Act No. 21 of 1966), read with Sections 13 and 16 of the said Act, the Government of Mysore hereby makes the following rules, the draft of the same having been previously published, as required by sub-section (1) of Section 71 of the said Act, in Notification G.S.R. No. 405 in Part IV-2-C(i) of the *Mysore Gazette* (Extraordinary), dated 13th September 1967, namely:—

**THE MYSORE EXCISE (DISTILLERY AND
WAREHOUSE) RULES, 1967.**

DRAFT RULES

1. *Title, extent and commencement.*—These Rules may be called the Mysore Excise (Distillery and (Warehouse) Rules, 1967.

(2) They shall extend to the areas of the State of Mysore where the Act is in force.

(3) They shall come into force at once.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context :

(a) “ Act ” means, the Mysore Excise Act, 1965 ;

(b) “ Commissioner ” means, the Excise Commissioner in Mysore.

(c) “ Deputy Commissioner ” means, the Deputy Commissioner of the district in which the distillery is located ;

(d) “ Distiller ” means a person to whom a distillery licence is granted.

(e) “ Distillery Officer ” means an Excise Officer in charge of a distillery.

(f) “ Form ” means a form appended to these rules ;

(g) “ Government ” means the Government of Mysore ;

(h) “ licence ” means a licence granted under the Act or rules ;

(i) “ Licensee ” means a person to whom a licence is granted ;

(j) “ receiver ” means a vessel into which the spirit discharges directly from a still ;

(k) “ section ” means a section of the Act ;

(l) “ to guage ” means to determine the quantity of spirits contained in or taken from any cask or receptacle or to determine the capacity of any cask or receptacle ;

(m) “to prove” means to test the strength of spirits by a hydrometer or other instrument ;

(n) “Warehouse” means, that part of the distillery in which spirits in a fit state for consumption or intended for redistillation are kept.

(o) “Wash back” means, any vessel used for preparation of wash and formation.

3. *Establishment of Distillery.*—(1) Every person who wishes to obtain a licence to establish and work a Distillery shall make an application in form 1 to the Commissioner through the Deputy Commissioner of the district in which he wishes to establish a distillery furnishing in duplicate full description of the premises, plan of the building wherein he proposes to locate the distillery together with a description of the stills and all other apparatus,

(2) A treasury challan for having credited the fee prescribed in rule 7.

(3) On receipt of the application, the Deputy Commissioner or any other officer authorised by him in that behalf shall check, verify and certify to the correctness of the facts stated therein and forward it to the Commissioner, retaining a copy for his office records.

(4) The Commissioner may, either by himself or through any officer authorised by him in this behalf make such further verification as he considers necessary.

(5) No alteration or addition be made in or to the building in which the distillery is established or in or to the stills or other permanent apparatus used therein, without the permission of the Deputy Commissioner.

4. *Grant of licence.*—On receipt of the application under rule 3 and after such verification referred to therein, the Commissioner may grant, with the previous sanction of the State Government, a licence in Form 2 subject to these rules and the conditions of the licence.

5. *Duration of licence.*—No licence shall be for a period exceeding one year.

6. *Renewal of licence.*—A licence may be renewed on application being made to the Commissioner accompanied by the licence fee prescribed in rule 7 :

Provided that every such application shall be made at least one month before the expiry of the licence already granted.

7. *Licence fee.*—The fee for a licence under these rules and for renewal of a licence shall be rupees seven thousand and five hundred.

8. *Arrangements of stills, etc.*—Every Distiller shall so arrange the stills that the distillate shall discharge into closed and locked receivers provided by him and approved by the Commissioner. He shall provide at his cost suitable and secure locks to all stills, spirit receivers, fermentation rooms and doors. The keys of the locks shall be deposited with the Distillery Officer. The Distiller may, if he so wishes, attach his own locks, but he shall remove them whenever requisitioned by the Distillery Officer or any other competent Officer authorised by the Commissioner in this behalf.

9. *Safes and Sampling Apparatus.*—The Distiller shall, if the Commissioner so directs, provide either a glass safe between the still and spirit receiver to note the quality and strength of the spirit running through at any moment or a sampling apparatus so constructed that for every sample drawn off an exactly equal quantity shall be discharged in a closed and locked receptacle. The distiller shall provide branch pipes fitted with cocks which may be diverted to separate receivers for spirits of different strengths and qualities.

10. *Receivers and Vats.*—The distiller shall arrange his spirit receivers and store vats in such a way that the spirit may be conveyed to the store vats through closed pipes by

gravitation or where this is not possible, an arrangement to pump up through closed pipes shall be made.

11. *Preparation of wash.*—No wash shall be prepared except within the distillery nor shall any vat be removed from the distillery on any account. All wash shall be kept securely well locked up in such places as may be approved by the Deputy Commissioner. The distiller shall see that the saccharine materials used are thoroughly dissolved when the wash is set up by him and he shall submit a declaration in writing to the Deputy Commissioner and to the Distillery Officer giving the actual saccharomatic gravity corrected for temperature before fermentation starts, and the total quantity of wash made and he shall furnish generally with all the information, which the Deputy Commissioner may require, bearing on the question of levying a charge from attenuation of wash.

12. *Vessels and Gauging.*—All the vessels in the distillery whether used as wash back, water vat or spirit vat shall be so arranged as to permit the accurate gauging or measuring of their contents and shall be fitted to the satisfaction of the Deputy Commissioner with proper dipping rods so adjusted to fixed dipping places that the contents may be ascertained at any time. These vessels shall be gauged as the Deputy Commissioner directs from time to time, and no vessel be used as wash back, water vat or spirit vat until it has been properly gauged and the gauging checked by the Deputy Commissioner or any person authorised by him.

13. *Distiller to give notice of beginning of distillation.*—The Distiller shall give the Commissioner not less than fifteen days notice in writing of the date on which he proposes to begin the distillation.

14. *Supervisory Staff.*—The Commissioner may employ at the distillery, such number of Excise officers as may be necessary, for supervision and securing compliance with the provisions of the Act and these rules. The cost of the establishment including pay, leave salary, contributory provident-*cum*-pension fund and pensionary contribution in respect of such officers shall be paid by the distiller in advance.

15. *Attendance of Officers.*—The Deputy Commissioner, with the previous sanction of the Commissioner, shall regulate the timings of the working of the distillery which the Distillery Officer and his staff are required to attend, which shall not exceed 8 hours a day and also the holidays exclusive of Sundays. The Excise Staff deputed at distillery shall not ordinarily attend the distillery on Sundays and other authorised holidays. If the distiller wants the said staff to work beyond the hours fixed on working days and on Sundays or authorised holidays he shall make a requisition to the Distillery Officer in advance and he shall also be liable to pay overtime fees. Every fraction of an hour not less than fifteen minutes shall be treated as one hour and the remuneration shall be double the usual emoluments. If the staff is required to work during the night hours the remuneration will be four times the usual emoluments.

16. *Receipt of spirit into the distillery.*—No spirits shall be received into distillery unless they are accompanied by the permits issued by the Deputy Commissioner. All such spirits shall be gauged and proved on their arrival in the presence of the distiller or his representative, who will be responsible for the quantity and strength of the spirits received and stored in the warehouse, which are under the joint lock and key of the Distillery Officer and the Distiller.

17. *Appointment of the Distillery Officer and provision of quarters and furniture.*—The Commissioner shall post such staff at the Distillery as he deems fit. The distiller shall provide necessary office furniture for the use of the staff. The distiller shall also provide the staff so deputed with the quarters properly furnished, and maintained, without interference in their use or enjoyment thereof. If the distiller is unable to provide such quarters, the Commissioner may obtain through the Deputy Commissioner accommodation on rent and the distiller shall be liable to all the cost and expenses therefor.

18. *Government not liable for loss of spirits in distillery.*—The Government shall not be responsible for the

destruction or loss or damage to any spirits stored in a distillery by fire or theft or by gauging or proving or by any other cause whatever. In case of fire or other accident the Distillery Officer shall immediately attend and open it, if necessary, at any hour by day or night.

19. *Noxious materials not to be used.*—The materials used in the distillery shall be of good quality and no ingredient harmful or noxious to health shall be used in distillation or in the spirits stored therein :

Provided that approved denatures may be stored for denaturation in special receptacles or vats.

20. *Supervision of distillery.*—The distillery shall be under the direct supervision of the Distillery Officer who shall be subordinate to the Deputy Commissioner and carry out all the provisions of these rules either in person or through his subordinates as the Deputy Commissioner may from time to time direct.

21. *Admission into the distillery of the persons.*—No person other than the licensee or his authorised vendors or agents or employees of the Distillery shall be allowed to enter the distillery premises without the permission of the Distillery Officer. A list of such employees of the distillery shall be furnished to the Distillery Officer by the distiller.

22. *Control over the persons entering the distillery.*—All persons entering the distillery shall be under the orders of the Distillery Officer in respect of their conduct and proceedings within the distillery and shall be liable to search on their exit, at the discretion of the Distillery Officer.

23. *Distiller to furnish Inventory of Apparatus.*—If a distiller intends to use any permanent apparatus which is not included in his original application he shall furnish an inventory of such apparatus to the Distillery Officer not earlier than two clear working days before using the same.

24. *Accounts to be kept*—(1) The distiller shall maintain regular accounts in the forms required by the Commissioner from time to time and such accounts shall be open for inspection at all times, by the Distillery Officer or any Officer duly authorised.

(2) Spirits in the Distillery shall, at all times be open to gauging and proving by the Officers referred to in sub-rule (1).

25. *Distiller to account deficiency in stock*.—An account shall be taken of the stocks of spirits kept in the distillery at such intervals not exceeding three months and in such manner as the Deputy Commissioner may direct. The distiller shall pay such duty on all spirits which are not forthcoming and which could not be accounted for to the satisfaction of the Deputy Commissioner, in excess of an allowance of one per cent of wastage. The wastage shall be calculated at the end of every twelve months or at the end of licence period, if it is shorter, for purpose of calculating duty on the excess as aforesaid :

Provided that if it is proved to the satisfaction of the Deputy Commissioner or any Officer appointed by him that any deficiency in excess of the margin allowed could not have been prevented by the exercise of proper care and precaution, the payment of duty on such deficiency may be waived.

26. *Distiller bound to report breaches of law, etc., committed by their servants*.—The distiller shall be bound to report immediately to the Distillery Officer and the Deputy Commissioner any breaches committed by any person employed by him in the manufacture, storage, receipt blending or issue of spirits and he shall be bound to comply with the directions of the Deputy Commissioner respecting the continued employment of such persons.

27. *Lights in Distilleries*.—No naked lights of any description shall be used within the distillery by the distiller or his employees.

28. *Ejection of riotous persons.*—The Distillery Officer may eject and exclude from the distillery premises any person who has committed or is about to commit any breach of the provisions of the Act or these rules or who is intoxicated, riotuous or disorderly. All such action taken by the Distillery Officer shall be recorded in writing and communicated to the Deputy Commissioner forthwith.

29. *Distiller bound to obey all the additional rules.*—The distiller shall be bound by all additional general rules for the management of the distillery or for issue of spirits therefrom, which may hereafter be prescribed under the Act or under any law which may hereafter be enacted and by all special orders issued by the Commissioner, with regard to distillery and shall cause all persons employed by him to obey all such rules

30. *Appeal.*—(1) Except otherwise provided, an appeal shall lie

(a) to the Deputy Commissioner from any order passed or proceedings taken under these rules by the Distillery Officer or any person authorised by the Deputy Commissioner,

(b) to the Commissioner from any order passed or proceedings taken or an appellate order passed by the Deputy Commissioner.

(2) Such appeals shall be preferred in cases covered by clause (a) of sub-rule (1) within sixty days and in cases covered by clause (b) within ninety days from the date of the order or proceedings appealed against. The decision of the Commissioner shall be final.

31. *Issue.*—(1) The spirits intended for issue as Denatured Spirit or Rectified Spirit shall not be distilled at a strength lower than 52° over proof.

(2) The distiller shall issue at the distillery to the Distillery Officer such quantities of country spirits, rectified spirits and denatured spirits as may be indented for by him for the supply :

(a) to such Government Depots and warehouses as have been established or may from time to time be established and maintained within the State ;

(b) to such other places or persons or institutions as may be directed by the Deputy Commissioner or Commissioner ;

(3) In case of 2(a) after the issues are made, payment shall be made by the Distillery Officer on the instructions of the Commissioner to the Distiller, at such intervals as the Commissioner may prescribe for the value of spirits supplied.

In case of 2(b) the distiller shall himself recover the value of spirits supplied from the person concerned.

32. *Spirits may be blended or reduced in the distillery.*—For issue of spirits of prescribed strength, the distiller may blend or reduce the spirits to these strengths in such vats as may be approved by the Commissioner for this purpose. Blended or reduced spirits shall be kept in separate receptacles.

33. *Spirits to be gauged and proved before removal.*—No spirit shall be removed from the distillery until it has been gauged and proved by the Distillery Officer. The gauging of the spirits may be made by either actual measurements or by weighments.

34. *Spirits not to be removed save under certain conditions.*—No spirits shall be removed from the distillery except under a permit in Form 3 issued by the Distillery Officer.

35. *Power to suspend or cancel the licence.*—If a licensee or any person in his employment contravenes any of the provisions of the Act or the rules made thereunder or the conditions of the licence, the Commissioner may—

(1) suspend the licence for a period for which the licensee shall not be entitled to claim any compensation.

(2) or cancel the licence :

Provided that before taking action the Commissioner shall give a fortnight's notice to the Distiller in writing, stating the grounds on which it is proposed to take action and requiring him to show cause against it.

36. *Repeal and Savings.*—All rules corresponding to the foregoing rules framed under any enactment repealed by Section 72 are hereby repealed :

Provided that such repeal shall not effect—

- (a) the previous operation of the rules so repealed or anything duly done or suffered thereunder, **or**
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under any rule so repealed, or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any rule so repealed, or
- (d) any investigation or legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if such rules had not been repealed ;

Provided further that subject to the preceding proviso anything done or any action taken (including any appointment or delegation made, notification, order, instructions or direction issued, form, certificate obtained, permit or licence granted or registration effected under any such rules) shall be deemed to have been done or taken under the corresponding provisions of these rules and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the Act or these rules as the case may be.

FORM No. 1

[See Rule 3 (1)]

Application for Distillery Licence

Court fee stamp of Rs. 2

To

The Excise Commissioner in Mysore,
Bangalore.

1. Name or names of the applicant with full postal address.
2. The amount of capital proposed to be invested.
3. The name of the place and the site in which the building for housing the Distillery is situated (Description and plans of the building to be furnished).
4. Description of the stills and other permanent apparatus.
5. Approximate production capacity of the Distillery.
6. Date from which the applicant desires to start the Distillery.
7. Whether the applicant is prepared to bear the cost of Excise Establishment posted at the Distillery.
8. Whether the quarters will be provided or rent will be paid to the Excise Staff posted at the Distillery.
9. Whether the applicant has enclosed the treasury challan for having credited the prescribed licence fee in favour of the Government.

DECLARATION

1. I/We hereby declare that the particulars mentioned in the application are correct.
2. I/We am/are not convicted of any offence under Mysore Excise Act or Rules made thereunder or any of the cognizable or non-bailable offence.
3. I/We have gone through the Mysore Excise Distillery Rules, 1967 relating to the licence applied for by me/us hereunder and am/are conversant with the provisions thereof.
4. I/We hereby undertake to abide by the conditions of the licence and provisions of the Mysore Excise Act, 1965 and the Rules and regulations made thereunder.

Signature of the applicant.

FORM 2

(See Rule 4)

Distillery Licence

I, ... Excise Commissioner in Mysore under the provisions of Sections 13 and 16 of the Mysore Excise Act, 1965 hereby licence you (here after called the licensee) to manufacture the following spirits in the Distillery at from to subject to the following conditions to be observed by you, the licensee :—

CONDITIONS

1. The licensee shall be bound by the provisions of the Mysore Excise Act, 1965, Notifications, Rules and Orders made or issued thereunder and the Mysore Excise Distillery Rules, 1967.

2. The licensee shall observe such rules as may be prescribed by the State Government or such instructions and orders as may be issued by the Commissioner from time to time in regard to the control of the manufacture, possession and sale or issue of the spirits.

3. The licensee shall be bound by such orders as may be passed by the State Government or the Commissioner, concerning the process of manufacture to be adopted and the standard and the quality of the spirits to be produced.

4. The licensee shall provide, a saccharometer and a thermometer of a kind to be approved by the Commissioner for testing the gravity of wash in the Distillery. A hydrometer should also be provided for testing the strength of spirits. The Stores, fermentation rooms, all vessels and apparatus in the Distillery shall be kept clean. The premises of the Distillery should also be kept clean and in sanitary conditions.

5. The licensee is prohibited from manufacturing any of the spirits, save the ones specifically instructed.

6. The licensee is prohibited from issuing any of the spirits except with the permission of the Distillery Officer or a competent authority.

7. The account of the transactions in the Distillery relating to wash and spirits should be maintained in such forms and in such manner as may be prescribed by the Commissioner.

8. The licensee shall furnish any statistics relating to the wash and spirits that may be required when called upon to do so by any competent authority.

9. With the sanction of the State Government the Excise Commissioner at his discretion after giving a fortnight's notice to the licensee is empowered to suspend or cancel the licence. The licensee shall not be entitled for any compensation on account of such suspension or cancellation.

Excise Commissioner.

FORM 2.

(See rule 34)

(FORM OF PERMIT UNDER RULE 34)

(To be retained at the Distillery)

Permit for transport of liquor to the.....Taluk/District.

Sent via.....Name of carrier.....Time allowed for transit... .. days.

No. of casks or packages	Description and strength of liquor	Quantity	In bottles
		Litres	Litres

Station.....

Dated.....196 .

.....

Distillery Officer.

Form No, 3—(contd.)
(To accompany the consignment)

Permit for transport of liquor to the.....Taluk / District. Sent via....
.....Name of carrier.....Time allowed for transit.....days.

No. of casks or packages	Description and strength of liquor	Quantity	In bottles
		Litres	Litres

Station.....

Dated.....196

.....

Distillery Officer.

Ex. 221

Form No. 3 (conold)
(To be sent to the Excise Officer of the destination)

Permit for transport of liquor to the.....Taluk/District. Sent *via*.....
.....Name of carrier.....Time allowed for transit.....days.

No. of casks of packages	Description and strength of liquor	Quantity	In bottles
		Litres	Litres

Station.....

Dated.....196 .

.....
Distillery Officer.

(See rule 24)

Receivers Spirit Store
Register of ——— in use in the ——— of the Distillery.
vats Warehouse

[illegible]

(See rule 24)

Materials

Wash

[illegible]

(See rule 24)

Receipts

Received

Total in hand and received

Date _____

Receiver No.

Quantity

Strength

From what still

Quantity

Strength

Quantity

Strength

1

2

3

4

5

6

7

8

9

FORM No. 6—(consolid.)

Issues

Passed into Warehouse			Balance		Signature of Manufacturer	
Vat No	Quantity	Strength	Quantity	Strength		
10	11	12	13	14	15	16

FORM No. 7

[See rule 24]

Register of Manufacture in the Distillery

Date	Still number	Materials used for distillation	Receiver No.	Spirits				
		Wash		In hand in spirit		Received		
				Quantity	Strength	From what still	Quantity	Strength
1	2	3	4	5	6	7	8	9

				Spirits			
Total in hand and received		Passed into Warehouse			Total issues		Remarks
Quantity	Strength	Vat number	Quantity	Strength	Quantity	Strength	
10	11	12	13	14	15	16	17

FORM No. 8

(See rule 24)

• Note of Gauges and Proofs at the.....Distillery.

[illegible]

FORM No. 9

(See rule 24)

Register of Spirits received into and issued from each Vat in the.....
 Distillery.....Vat No.....

In hand			Received						Total in hand and Received	
			Newly distilled			By transfer				
Date	Quantity	Strength	From what receiver	Quantity	Strength	From whence	Quantity	Strength	Quantity	Strength
1	2	3	4	5	6	7	8	9	10	11

Form No. 9—(concl'd)

[illegible]

FCRM No. 10

(See Rule 24)

Register showing wash made and spirit obtained therefrom in the Distillery.

Date when set up	Materials used in Kgs.				Litres of wash made	Number of wash back	Saccharometer readings corrected for temperature				When sent to still	Date when sent to still	Number of receiver
	Cane jaggery	Cane Molasses	Palmyra jaggery	Palmyra molasses			When set up	On day	On day	On day			
1	2(i)	2(ii)	2(iii)	3	4	5	6	7	8	9	10	11	12

FORM No. 10—concl'd.

Spirits obtained as per receiver charge							Degree of attenuation for each litre of proof spirit per 100 litres of wash.	Litres of proof spirit obtained per cent		Remarks	Initials
Temperature	Indication	Strength		Litres		Percentage of out- turn		Jaggory	Molasses		
		C. P.	U. P.	Bulk	At proof						
13	14	15	16	17	18	19	20	21	22	23	24

FORM No. 11

(See rule 24)

Register of spirits issued "duty paid" or "duty free" from the Distillery,

Permit No. and date	To whom issued	Kind of spirit	Strength	Quantity of spirits issued		Particulars of duty recovered			If issued duty free or at concession rates, state authority	Page of ledger	Remarks
				In bottles	Quantity	Name of Treasury	Challan number and date	Amount			
1	2	3	4	5	6	7	8	9	10	11	12

1. If issued in casks, No. of the cask will be inserted.
2. An extract from this register will be submitted to the Excise Commissioner every month together with the Treasury receipt, a copy thereof being also forwarded to Deputy Commissioner of District concerned.

FORM No. 12

(See rule 24)

Ledger Account of spirits issued from the Distillery, Name of Depot or Institution.....
Statement Person

Date of issue and Permit No.										
	Molasses Arrack		Brandy		Whisky		Gin		Rum	
	Number of cask	Quantity	In bottles	Quantity	In bottles	Quantity	In bottles	Quantity	In bottles	Quantity
1	2	3	4	5	6		8	9	10	11

FORM No. 12 (*concl'd*).

Date of issue and Permit No.	Milk Punch		Proof spirit		Rectified spirit		Methylated spirit		Remarks	
	In bottles	Quantity	Number of bottles	Quantity	Number of bottles	Quantity	In bottles	Quantity		
	12	13	14	15	16	17	18	19	20	21

1. This register should be divided into 3 parts I part to treat of issues under bond, II for duty paid issues, III for "Duty free issues", issues made to Civil and Military Station Depot and the Mysore Pharmaceuticals being also separately booked.
2. An index to Depots and institutions, etc., should be put up in the beginning.
3. This register should be posted from "Duty Paid" and under bond registers at the close of every day, as far as possible.
4. Issues to each Bonded Depot made during the month should be tabulated by Districts in duplicate, one copy to be sent to Deputy Commissioners of Districts and the other to the Excise Commissioner's Office along with the monthly accounts. In the remarks column the name of the Depot or institution will be noted, Col. 20 being left blank.

FORM No 13

(See rule 24)

Register of the Issue of Spirits by weighment.....from the Distillery.

Date	Mark and package No.	Weight of empty pack- age	Weight of full package	Weight of spirit's	Hydrometer indication	Weight per litre	Contents of package	Where sent
1	2	3	4	5	6	7	8	9

(See Rule 24)

Employee's

Remarks

Sl. No.

Name _____

Father's name

Residence

[illegible]

1

2

3

4

5

6

[No. HD 42 EFL 67.]

By Order and in the name of the Governor of Mysore,

M. G. KRISHNA,

*Under Secretary to Government,
Home Department (Excise).*